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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
10/726,908	12/04/2003	John (aka. Xiaoqiang) Du	

CONFIRMATION NO. 4189
ABANDONMENT/TERMINATION
LETTER

John (aka. Xiaoqiang) Du
2149 S. Joan Dr.
La Puente, CA 91745

Date Mailed: 03/07/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/04/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

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Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

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Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 1 - ATTORNEY/APPLICANT COPY

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17
3/13/06, Total 3 page

To: Mr. Rizh, Examiner, Fax: 703-308-7749
From: John Du(Application No:10/726,908),
Fax: 626-333-8720

Dear Sir,

I've received recently a "Notice of Abandonment Under 37 CFR 1.53(f) or (g)" dated 3/7/06, which really surprised me. About 2 years ago, I received a "Notice of Incomplete Reply (Non-provisional)" dated 5/14/04. On 5/24/2004, at 12:00 even I called USPTO to confirm the requirement of the notice. I had a conversation with Mr. Wallace Preston regarding the notice. He told me: "The Notice's requirement is canceled. Your papers are OK. You don't need to send any more paper to us." Since I write down these words on the same Notice, I remember these words clearly and with no mistakes.

When I called Mr. Preston today, 3/13/06, he told me he never said those words, which really surprised me again!

Therefore, I would ask USPTO to check the conversation voice record to approve my point and launch an investigation regarding this ridiculous mistake made by USPTO agent. I would also ask USPTO to RECALL and CANCEL the "Notice of Abandonment Under 37 CFR 1.53(f) or (g)" dated 3/7/06 and process my application immediately with no waiting by sequence since my application has a filing date of 12/4/2003! Thanks!

Best Regards,


John Du 3/20/06

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